COMMITTEE REPORT NO. 6 - 1 4 (4) TABLED ON OCT 2 3 2000

Northwest Territories Legislative Assembly

Confidence in the Integrity and Standard of Government - The Report of the Special Committee on Conflict Process

Chair: Brendan Bell

SPECIAL COMMITTEE ON CONFLICT PROCESS

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MLA for Inuvik Boot Lake

Mr. Leon Lafferty
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103-04195/

Northwest Territories Legislative Assembly

Special Committee on Conflict Process

OCT 23 2001

HONOURABLE ANTHONY (TONY) WHITFORD, MLA
SPEAKER OF THE LEGISLATIVE ASSEMBLY

Dear Mr. Speaker:

Your Special Committee on Conflict Process has the honour of presenting its Report entitled *Confidence in the Integrity and Standard of Government*. The Report contains the findings and recommendations of the Special Committee and commends it to the House for consideration.

Brendan Bell, MLA
Chair

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PART I

INTRODUCTION

1.1 The Special Committee on Conflict Process is pleased to present our Second Report as mandated by the Legislative Assembly on July 23, 2001. The mandate of the Committee was expanded and extended to report no later than October 23, 2001.

1.2 The Report entitled *Confidence in the Integrity and Standard of Government*, offers for consideration of the Legislative Assembly, our findings and recommendations.

1.3 The tasks of this Committee have been challenging, arduous and complex. It has been a learning experience for each of us. It would be fair to say that no committee member relished the responsibilities associated with this mandate but all felt the need for transparency in government and that the requirement to be accountable to the public for our actions was critical.

1.4 Without exception, my fellow members undertook these obligations with the sincere intention of resolving the issues in a manner that was open and fair to all concerned. They devoted many hours to this task and they did so with open and ready minds, careful discussion and thoughtful analysis. I wish to express my sincere gratitude to each member for their invaluable assistance and contributions.

PART II

BACKGROUND

2.1 On March 30, 2001 Jack Rowe of Hay River contacted the Conflict of Interest Commissioner regarding a concern of alleged conflict on the part of the Honourable Member for Hay River South, Jane Groenewegen. Mr. Rowe alleged that Ms. Groenewegen had breached certain provisions of the *Legislative Assembly and Executive Council Act*, (the Act), by remaining a director of certain privately owned corporations.

2.2 Ms. Groenewegen requested in correspondence dated April 25, 2001 directed to the Conflict of Interest Commissioner, that she stand herself aside respecting this investigation as a result of a stated reasonable apprehension of bias on the part of the Member.

2.3 The Conflict of Interest Commissioner considered the request to stand aside, but concluded that there was no reason why she should not undertake the investigation of this complaint.

2.4 So began a journey that has been challenging, difficult and one that has often traveled through uncharted territory. As is often the case, the ultimate destination can be quite different from what was originally contemplated by all concerned, including interested members of the public.

2.5 Although the matter appears to have been initiated as a result of the conflict complaint by Mr. Rowe, the issues, which ultimately became the mandate of the Special Committee had their genesis long before this particular event. However, the request having been made by the Member, it had to be addressed in a manner that was fair and appropriate to both Minister Groenewegen and the Conflict of Interest Commissioner.

2.6 The initial attempts to do so by the Board of Management of the Legislative Assembly and the creation of this Special Committee are detailed in the First Report of the Special Committee on Conflict Process, presented in the Legislative Assembly July 23, 2001.

2.7 At the time the July Report was considered, the Honourable Member for Hay River South requested withdrawal of her application to have the Conflict of Interest Commissioner suspended or removed regarding this investigation. The Assembly was at this point left in an extremely difficult situation. Serious allegations had been traded between the Member and the Conflict of Interest Commissioner. The reputation of both the Member and the Office of the Conflict of Interest Commissioner had been called into question, and certain highly questionable actions of a senior level government official in the Premier's Office had come to light.

2.8 The choice became whether to leave all such questions unexplored and unanswered, or to spend the time and resources inevitably required to bring closure to serious issues that reflected significantly on the integrity of government as a whole.

2.9 The Assembly, by motion passed July 23, 2001 provided the Special Committee with an extended and expanded mandate to conclude the serious questions which had such humble and unassuming origins.

2.10 The mandate accorded to the Committee as set out in the motion of the Assembly of July 23, 2001 was as follows:

> That notwithstanding the withdrawal of the Application, the Legislative Assembly authorizes and extends the mandate of the Special Committee on Conflict Process to consider the allegation of an apprehension of bias in relation to the investigation conducted by the Conflict of Interest Commissioner, and to consider related matters which have arisen or may arise during the normal course of proceedings of the Special Committee. *(Section 2 of Motion 4-14 (4) as amended July 23, 2001)*

2.11 The Committee attempted to refine aspects of its mandate and considered that there were three important issues to be addressed.

1. Bias Allegations

(a) The allegation that the Conflict of Interest Commissioner had prior knowledge of the details of the alleged infraction by the Minister in advance of a complaint being made as a result of a conversation with Mr. Selleck. The question of whether this was the case and further, what if any effect it had, would be considered by the Committee.

(b) The allegation that there was an invitation to file a complaint made during the course of the media interview with Mr. Selleck and that references in that interview could reasonably be held to be in reference to Minister Groenewegen;

(c) The allegation that the complaint made by Mr. Rowe was coached in some fashion as a result of the exchange of correspondence or communication on the issue; and

(d) The allegation that conflict avoidance advice was not given on the matter.

2. Whether Inaccurate Submissions Were Made On Behalf Of The Conflict Of Interest Commissioner To The Special Committee:

It had been suggested that there was a material discrepancy between the material filed on behalf of the Conflict of Interest Commissioner and the facts respecting the information she had in hand prior to the complaint being laid by Mr. Rowe.

3. Whether There Are Any Circumstances Which Would Explain The Apparent Error in Judgment Associated With The Minister's Tape Recording of The March 26, 2001 Telephone Conversation:

2.12 The Committee had previously decided that in order for it to properly address the questions before it, it would be necessary to hear from witnesses. This was due to the fact that a number of important facts appeared to be in dispute and the only means of resolving such disputes would be to hear from individuals who could speak to events and circumstances.

2.13 An initial witness list was developed which included the following individuals:

- Lee Selleck, Reporter with the CBC;
- Jack Rowe, Complainant in the Conflict Matter;
- Jane Groenewegen, Minister;
- Carol Roberts, Conflict of Interest Commissioner;
- John Bayly, Principal Secretary to Cabinet.

These persons were initially invited to attend the hearing to give evidence and thereafter, Summons were issued respecting their attendance at the Hearing.

2.14 As a result of interviews which were conducted in advance of the Hearing with these witnesses, it was determined that it would be necessary to hear from other individuals. Invitations and Summons were accordingly issued to:

- April Taylor, Director of Communications, Department of the Executive;
- Lynda Sorensen, Chief of Staff;
- Stephen Kakfwi, Premier.

2.15 The Committee also conducted meetings to determine whether certain witnesses would be granted standing, or the status to participate in the Hearing process by examination and cross examination of witnesses and the ability to make submissions to the Committee. Minister Groenewegen and the Conflict of Interest Commissioner were granted full standing. Applications by John Bayly, Lynda Sorensen and Stephen Kakfwi for standing were denied by the Committee.

2.16 All witnesses were entitled to engage legal counsel if they so desired. However, only legal counsel of the witnesses with standing would fully participate in the Hearing. In the end, all witnesses save Jack Rowe and April Taylor, retained legal counsel to assist them. The Committee did not bear the costs of legal counsel for any witness.

2.17 While it was extremely difficult to arrange hearing dates, given commitments of Committee members and those of witnesses and their respective legal counsel, the Hearing was scheduled for September 18, 19 and 20, 2001.

2.18 The Hearing commenced as scheduled on September 18, 2001. The time required to hear testimony from the various witnesses extended well beyond the expectations of all concerned and after more than 70 hours of testimony, the Hearing concluded Saturday, September 22, 2001. Many long days and evenings were required to complete this part of the process and the Committee extends its gratitude to all concerned for their patience and endurance.

2.19 Final written submissions were received from legal counsel for the Minister and Conflict of Interest Commissioner September 28, 2001, and Reply Submissions were received from each October 3, 2001.

2.20 The Committee then began the task of reviewing transcripts of oral evidence and the nearly one hundred documents referred to during the course of the proceedings to prepare its Report and Recommendations to the Legislative Assembly.

PART III

REASONABLE APPREHENSION OF BIAS

3.1 In order to inform and report on this aspect of the process, it is helpful at the outset to review the main allegations on the part of the Minister and the essential response of the Conflict of Interest Commissioner. The allegations of the Minister articulated by the Committee in advance of the Hearing are as follows:

(a) that the Conflict of Interest Commissioner, as a result of discussions and/or an interview with Lee Selleck of CBC on March 15, 2001, became aware of the details of an alleged conflict of interest infraction by the Minister. The Minister alleges that at this stage, the Conflict of Interest Commissioner was made aware by Mr. Selleck that he had information from the corporate registry that the Minister remained listed as the director of certain private company or companies and that he had traveled to Hay River to investigate this matter. The Minister alleges that the subsequent actions of the Conflict of Interest Commissioner, including her discussions with the media, must be seen through the prism of this prior knowledge and that the prior knowledge affected her approach and the nature of her comments to the press concerning the matter;

(b) that on the basis of the Conflict of Interest Commissioner's knowledge of the alleged or potential infraction by the Minister, the comments of Ms. Roberts made to the media must be interpreted to be in reference to the Minister and not hypothetically, with respect to all or any Members and further that the gist of such comments constituted an invitation to the public at large to file a complaint such that an investigation could be undertaken;

(c) that upon Mr. Rowe contacting the Conflict of Interest Commissioner, the exchange of email correspondence which occurred between the two, particularly during the period March 30, 2001 to April 2, 2001 went beyond the Conflict of Interest Commissioner assisting Mr. Rowe to articulate his complaint and constituted coaching or framing of the complaint against the Minister; and

(d) that despite the Conflict of Interest Commissioner's awareness as alleged, of a potential problem on or about the 15th of March, 2001, conflict avoidance advice was not provided to the Minister either at that time or in response to a written request on April 4, 2001 for conflict avoidance advice as permitted by section 98 of the Act.

3.2 While these allegations constitute the main thrust of the position of the Minister, a number of other issues were raised by her in support of her apprehension that the Conflict of Interest Commissioner would not bring an open, fresh and entirely objective approach to the investigation of the complaint lodged by Mr. Rowe. These concerns included the following:

- that in the Conflict of Interest Commissioner's previous investigation of a complaint against the Minister filed by Michael Miltenberger, the Member for Thebacha, the Conflict of Interest Commissioner met with the Minister and inquired of her as to why the Minister did not direct the trustee of her blind trust to effect transfer of the vehicle in question to her name personally. The Minister was concerned respecting this query as in her view, it evidenced at a minimum, a complete lack of understanding on the part of the Conflict of Interest Commissioner that the Minister was prohibited by the terms of the blind trust arrangement, from providing any direction to the trustee respecting corporate matters;

- that during the course of the investigation of the Miltenberger complaint, the Conflict of Interest Commissioner advised the Minister in writing that she would provide a draft of her investigation report to the Minister in advance of it being tabled in the Legislative Assembly. The Minister was not provided with a draft report and her first knowledge of it was at the time of the tabling of the report in the House;

- the Conflict of Interest Commissioner did not specify to the Minister in the Miltenberger complaint the section which she considered the Minister may have breached. Despite the lack of notice, the Conflict of Interest Commissioner found the Minister in breach of section 75 of the Act. This section was never previously mentioned or discussed with respect to the complaint or the Commissioner's investigation. The Minister alleges that, having no notice that this was a breach being considered by the Conflict of Interest Commissioner, she could not provide any response or answer to this allegation;

- that in the report of the Miltenberger complaint tabled in the Legislative Assembly, the Conflict of Interest Commissioner stated that she had concerns about the legislation generally and some of the limitations on her authority contained in the present Act, particularly her ability to impose sanctions in the circumstances;

- that in the Miltenberger complaint tabled in the Legislative Assembly, while the Conflict of Interest Commissioner dismissed the complaint, she went on to suggest that the Legislative Assembly could consider imposing sanctions. In the view of the Minister, there was no ability on the part of the Conflict of Interest Commissioner to suggest the imposition of any sanctions when the complaint had been dismissed. The matter was completed and the suggestion of sanctions when a complaint had been dismissed and concluded was disturbing;

- that on January 5, 2001, the Conflict of Interest Commissioner, unsolicited, corresponded with the Minister advising that she had concerns about the adequacy of the Minister's blind trust agreement, despite the approval of that agreement by the prior acting Conflict of Interest Commissioner, Robert Clark. Despite expressing concerns, the Conflict of Interest Commissioner did not provide the Minister, in her view, with any definitive advice as to how to allay those concerns;

- that the Conflict of Interest Commissioner suggested to the Minister, on more than one occasion that the best solution to her situation would be for the Minister's husband to divest himself of any interests he had in the companies in question. The Minister alleged that such advice ran contrary to any previous advice or philosophy associated with family run businesses;

- that in a telephone conversation between the Conflict of Interest Commissioner and John Bayly on March 26, 2001, the Conflict of Interest Commissioner confirmed that Lee Selleck had previously provided her with information concerning the alleged infraction of the Minister, namely the Minister remaining a director of certain privately owned corporations.

3.3 The Conflict of Interest Commissioner, in her written submissions to the Special Committee and in her evidence provided at the hearing in this matter, addressed these concerns as follows:

(a) that she did not have specific knowledge of any alleged infraction at the time of her conversation with Mr. Selleck on March 15, 2001. In any event, even if she did have such knowledge, it did not affect her investigation of the Rowe complaint nor could any reasonable person conclude that such knowledge would affect her investigation of the complaint;

(b) that when the Conflict of Interest Commissioner was contacted by the media subsequent to the airing of the Northbeat television program March 26, 2001 which detailed the alleged infraction of the Minister, the Conflict of Interest Commissioner specifically stated that she would not discuss any Member's arrangements in particular but would speak to the responsibilities of Members under the Act generally and the role of the Conflict of Interest Commissioner respecting investigation of complaints;

(c) that the contact with Mr. Rowe concerning the filing of his complaint was with a view to requiring Mr. Rowe to properly articulate his complaint and properly provide grounds and objective evidence for the complaint. Such actions were taken by the Conflict of Interest Commissioner with a view to ensuring that only properly formulated complaints against Members, including this complaint against the Minister, would be the subject of investigation by her;

(d) that it was neither the role nor the responsibility of the Conflict of Interest Commissioner to alert or apprise the Minister of any suspected infraction. Rather, it is the responsibility of Members to ensure that their affairs are ordered in compliance with and pursuant to the provisions of the *Legislative Assembly & Executive Council Act*;

(e) that with respect to the Miltenberger complaint and report generally, due to the timing considerations associated with the House rising in the fall of 2000, it was not possible for the Conflict of Interest Commissioner to provide a draft report to the Minister although she made an effort to place the report in the hands of the Minister some hours in advance of it being tabled in the House. The Conflict of Interest Commissioner remained of the view that the House could generally sanction a Member pursuant to Parliamentary Privilege although such sanctions would not be available pursuant to the *Legislative Assembly & Executive Council Act*. The Conflict of Interest Commissioner further stated that it was entirely appropriate for her to provide commentary on the legislation at any point, including within the context of an investigation report regarding a Member tabled in the Legislative Assembly; and

(f) that in corresponding with the Minister on January 5, 2001 with respect to the provisions of the blind trust agreement, the Conflict of Interest Commissioner was attempting to assist the Minister respecting vulnerability arising from the operation of family owned businesses which are the subject of blind trust arrangements. The Conflict of Interest Commissioner further stated that she provided the Minister with various forms of trust agreements which they could discuss but that ultimately, it was the responsibility of the Minister to retain such expertise, including that of trust lawyers or accountants, to assist her with properly ordering her affairs. The responsibility of the Conflict of Interest Commissioner was restricted to approval of such arrangements and not the development or creation of such solutions. Similarly, if concerns or allegations were raised in the public domain respecting possible infractions, it was the responsibility of the Minister to attend to such actions as may be required. It was not the responsibility of the Conflict of Interest Commissioner to alert or advise a Member of such allegations.

3.4 The responsibility of the Committee in assessing the question of apprehension of bias, is not to determine whether there was actual bias on the part of the Conflict of Interest Commissioner in her dealings with Minister Groenewegen. Rather, the responsibility of the Committee is to assess and determine whether an objective, reasonable and informed person would have legitimate concerns, in light of all the facts and circumstances, about whether the investigation could be conducted by the Conflict of Interest Commissioner in a completely objective and dispassionate fashion.

3.5 While it is difficult to remove individual characteristics, attitudes and perspectives from this process, the Committee must bring an objective and detached analysis to the issues.

3.6 It became apparent that the question of the extent to which Mr. Selleck advised or discussed with Ms. Roberts on or about March 15, 2001 the particulars of any alleged infraction by Minister Groenewegen was an important factual component to the consideration of this issue.

3.7 It is regrettable and most unfortunate that Mr. Selleck refused to testify and provide information, which could have been of assistance to the Committee in resolving this issue.

3.8 While his conduct will be the subject of comment in another part of this report, the Committee wishes to state unequivocally that the failure of Mr. Selleck to even apprise himself of the nature of the information sought from him and the importance it might have to the determination of issues before the Committee was both frustrating and distressing.

3.9 However, the Committee did have available to it the transcript of the taped telephone conversation which occurred between Ms. Roberts and Mr. Bayly on March 26, 2001. During the course of this telephone conversation, the interaction between Ms. Roberts and Mr. Selleck was discussed. Ms. Roberts stated during the course of this telephone conversation:

> " and I don't know how he' s clipping together the piece, but it was on conflict generally and he did tell me he'd gone to Hay River and done some investigation and asked me some hypotheticals...."
>
> "let me just try and think of how he phrased it. I think what he specifically asked me was he had done a company search and he noticed Jane's name still on the company registry as a director of the company."

3.10 Ms. Roberts indicated during the course of her testimony before the Committee that at the time of preparation of her written submissions to the Committee which were received June 29, 2001, she did not have a specific recollection of this information having been provided to her by Mr. Selleck. Rather, her recollection was to the contrary. Indeed, at the time of providing evidence at the Hearing some months later, her recollection could not be better than that.

3.11 It is open to the Committee to conclude that Ms. Roberts' recollection of her dealings with Mr. Selleck on March 15, 2001 would have been fresher in her mind on March 26, 2001 than they were some months later.

3.12 Given the clear and unequivocal statements made during the course of this telephone conversation, the Committee concludes that the Conflict of Interest Commissioner did in fact, on or about March 15, 2001 have information provided by Mr. Selleck of the Minister remaining a director of companies in contravention of the Act.

3.13 In the view of the Committee, this single incident, as with all other allegations taken in isolation, are not determinative of an apprehension of bias. Nevertheless, the Committee has carefully considered that on the 14th of March, 2001, one day prior to Ms. Roberts' discussions with Mr. Selleck, she acknowledged receiving the Minister's Annual Disclosure Statement in which the Minister confirmed that she did not occupy any position of director with respect to any company.

3.14 Having this information in hand one day and being confronted with serious allegations to the contrary the following day, the Committee is at a loss as to why the Conflict of Interest Commissioner would not have contacted the Minister to resolve this apparent contradiction. At this point in time, no complaint was pending. The provision of the Annual Disclosure Statement was freshly available to the Conflict of Interest Commissioner.

3.15 At the very least, one would have thought that the Conflict of Interest Commissioner would have contacted the Minister to either provide fresh advice or receive confirmation of the information provided by the Minister in her disclosure statement.

3.16 While it is not the responsibility of the Conflict of Interest Commissioner to react to every rumour and innuendo, surely the provision of this information by the CBC ought to have alerted the Conflict of Interest Commissioner to the fact that there was a significant contradiction and potential problem.

3.17 It is accepted that when the Minister herself became apprised of the problem on March 21, 2001 as a result of an interview with Lee Selleck, the onus shifted to the Minister to take steps to resolve the problem. She in fact contacted the Conflict of Interest Commissioner not once but twice on this date but did not, during either conversation, seek advice or assistance from the Conflict of Interest Commissioner regarding the directorship issue. However, during the period March 15, 2001 to March 21, 2001 the Minister had no awareness that there was any problem. Indeed, Mr. Selleck's requests for an interview were entirely puzzling to her.

3.18 On the other hand, the Conflict of Interest Commissioner during this period was apprised of the potential problem and she took no steps to confirm the facts or contact the Minister regarding the contradiction which was now apparent to her.

3.19 It is this fact, in conjunction with other accumulated circumstances, which in the view of this Committee, give rise to a reasonable apprehension of bias. These additional and other accumulated circumstances include:

- the failure of the Conflict of Interest Commissioner to provide notice to the Minister of the alleged breach of section 75 in the Miltenberger complaint and report. The Committee also notes that this same problem occurred with respect to the investigation report on the Rowe complaint. However, this Report followed the initial application regarding bias and therefore cannot be taken into consideration in this issue;

- the invitation by the Conflict of Interest Commissioner to the Assembly to consider sanction of the Minister despite the dismissal of the complaint in the Miltenberger report;

- the exchange of email correspondence with Jack Rowe, which marked a departure from her prior approach in investigating the Miltenberger complaint by asking that a specific section be articulated by Mr. Rowe, and exploring with Mr. Rowe facts that at best seemed peripheral to the substance of the complaint. While it is open and at times will be required that the Conflict of Interest Commissioner assist a complainant in properly formulating a complaint, in the view of the Committee, the exchanges with Mr. Rowe pushed the envelope of such intentions and bordered on going too far in assisting in framing the complaint;

- the failure of the Conflict of Interest Commissioner to notify the Minister at the point that she considered Mr. Rowe to have lodged a formal complaint (April 2, 2001), waiting instead until April 9, 2001 to so notify the Minister. She stated on April 2, 2001 that she had accepted the communication from Mr. Rowe as a complaint but went on to indicate that she would not be taking action on it on the basis of the information provided to that point. It is unclear what she intended to convey by this communication. In any event, she nonetheless went on to take steps at this point that appear very much to be in the nature of an investigation; and

- the fact that the Conflict of Interest Commissioner continued to have discussions with the media after her March 15, 2001 discussions with Mr. Selleck. The Conflict of Interest Commissioner would have known or at least would have been alerted at this stage, that there was a potential problem concerning Minister Groenewegen. Her willingness to discuss matters with the media at this point, even if stated to be in general and hypothetical terms, at best showed poor judgment on the part of the Conflict of Interest Commissioner. Given that this matter was now developing a level of controversy in the public domain, a fact which was known to the Conflict of Interest Commissioner, she ought to have refrained from any comment to or interaction with the media.

3.20 Together, all of these circumstances cumulatively give rise to a reasonable concern about the objective and impartial approach of the Conflict of Interest Commissioner regarding this complaint and investigation.

3.21 In the view of the Committee, a reasonable, objective and informed person, viewing these circumstances, would have a reasonable apprehension that the Conflict of Interest Commissioner may be bringing a biased perspective to the consideration of these matters. This is particularly the case when it was clear, in the view of the Committee, that the relationship between the Minister and the Conflict of Interest Commissioner was at this point in time troubled or plagued with mutual difficulties.

3.22 The Conflict of Interest Commissioner and the Minister each adopted stances throughout this matter which tended to deflect their own respective responsibilities for matters and events. This does not speak well of either individual. However, the role of the Conflict of Interest Commissioner is to deal with all Members of the Legislative Assembly in a fair and helpful manner, irrespective of any challenges that a particular Member may pose in terms of his or her personal approaches.

3.23 In the view of the Committee, the Conflict of Interest Commissioner did not rise to this standard, which the Committee fully acknowledges is both difficult and challenging.

3.24 This being said, in the view of the Committee, the Minister is not vindicated by this finding. Her actions throughout the matter were characterized by mistrust and preconceived notions regarding the competence of the Conflict of Interest Commissioner. While an objective and informed bystander would, in the view of the Committee, have a reasonable basis to be concerned respecting bias of the Conflict of Interest Commissioner, the Minister to a large degree has been the author of her own misfortunes.

3.25 Given the objective standards required in the apprehension of bias analysis, this cannot detract from the finding of that reasonable apprehension.

3.26 The actions of the Minister do not speak favourably of her as an elected Member and a representative of Cabinet in this Government.

PART IV

WHETHER INACCURATE SUBMISSIONS WERE MADE TO THE SPECIAL COMMITTEE BY THE CONFLICT OF INTEREST COMMISSIONER

4.1 It was suggested through counsel for the Minister that there was a material discrepancy between the material filed on behalf of the Conflict of Interest Commissioner in her June 29, 2001 written submissions and the facts known to the Commissioner.

4.2 This issue revolves around the question of what information the Conflict of Interest Commissioner had in hand on or about March 15, 2001 arising from her discussions with Mr. Selleck. It again highlights the importance of Mr. Selleck providing information to the Committee and the difficult position which arose as a result of his failure to do so.

4.3 The Minister alleges that in the written submissions of the Conflict of Interest Commissioner, she flatly denies in strident language, that she had any specific knowledge of the alleged infraction of the Minister arising from the March 15, 2001 conversation with Mr. Selleck. Yet the transcript of the taped telephone conversation between John Bayly, Principal Secretary and the Conflict of Interest Commissioner, which occurred some eleven days later on March 26, 2001, clearly indicates that the Conflict of Interest Commissioner was in fact in possession of this information.

4.4 In assessing this issue, it was duly noted that the Minister had surreptitiously tape-recorded the March 26, 2001 telephone conversation and she had a transcript of this conversation. This was not a fact that was known to the Conflict of Interest Commissioner at the time of her making her submissions.

4.5 The Conflict of Interest Commissioner, in her evidence at the hearing of this matter, indicated that when she reviewed the submissions of the Minister and the allegation of the knowledge that the Conflict of Interest Commissioner had in hand from March 15, 2001 forward, she could not specifically recall these facts. If she had any recollection, it was to the contrary, namely that Mr. Selleck had not provided her with such information.

4.6 She stated in evidence before the Committee that she contacted Mr. Selleck by telephone to see if he could apprise her as to what if any information he had imparted to her on March 15, 2001. She states that it was a result of these inquiries that her written submissions were drafted as presented to the Committee.

4.7 The Committee finds that the written submissions of the Conflict of Interest Commissioner provided to the Committee June 29, 2001 were at best inconsistent on this point and at worst inaccurate.

4.8 However, the question of whether the submissions were inaccurate is not the crux of this matter. Rather, the question is whether such submissions were intentionally misrepresentative.

4.9 The Committee finds that there was no definitive evidence that the misrepresentations by the Conflict of Interest Commissioner were intentional or calculated to mislead the Committee. The Conflict of Interest Commissioner did take steps to try and assist her own lack of clear recollection of these facts.

4.10 The Committee does wish to state that given the absence of clear recollection of the Conflict of Interest Commissioner on this important aspect, she would have shown better judgment to word her written submissions in a less strident and definite fashion. Such wording did not, in the view of the Committee, advance the position of the Conflict of Interest Commissioner nor did it reflect positively on her Office which requires a high degree of professionalism, detachment and objectivity. Her choice of words did not in any way reflect her own uncertain recollection of the circumstances in question.

4.11 Similarly, the Minister ought to have exercised a high degree of caution before alleging inappropriate motives on the part of the Conflict of Interest Commissioner. The fact that the evidence supporting this allegation arose from a surreptitious tape recording speaks poorly of the Minister and reflects adversely on this Government as a whole.

PART V

WHETHER THERE ARE ANY CIRCUMSTANCES WHICH WOULD EXPLAIN THE APPARENT ERROR IN JUDGMENT ASSOCIATED WITH THE MINISTER'S TAPE RECORDING OF THE MARCH 26, 2001 TELEPHONE CONVERSATION BETWEEN JOHN BAYLY, PRINCIPAL SECRETARY AND THE CONFLICT OF INTEREST COMMISSIONER.

5.1 As indicated earlier in this Report, a telephone conversation occurred on March 26, 2001 between John Bayly and the Conflict of Interest Commissioner. There are a number of facts which are important to bear in mind, leading up to this event.

5.2 In particular, on March 26, 2001, late in the afternoon, the Minister learned of a CBC radio report which not only reported a breach of the conflict of interest obligations of the Minister, but which contained a voice clip of the Conflict of Interest Commissioner apparently commenting on the situation.

5.3 As a result of learning this, the Minister became very distressed and approached Mr. Bayly, Principal Secretary for his advice. Mr. Bayly had some previous acquaintance with these issues, having in the week previous, spoken to the Minister as to whether or not she should participate in the requested interview with Mr. Selleck of CBC, having discussed the interview with the Minister after it occurred (at which time the Minister learned of the infractions alleged by Selleck) and having contacted the Conflict of Interest Commissioner on or about March 23, 2001 on the matter generally. Mr. Bayly was therefore alive to the controversy which was now well underway concerning an alleged infraction by the Minister.

5.4 Upon learning of the contents of the 4:30 p.m. CBC radio news broadcast, a hasty meeting was assembled, which included Mr. Bayly, Lynda Sorensen, Chief of Staff, Sheila Bassi, Executive Assistant to Minister Groenewegen, and April Taylor, Director of Communications. The 5:30 PM news broadcast was monitored and the parties discussed how the Minister should respond to this situation.

5.5 Mr. Bayly indicated in his evidence that he felt it was important to learn the context of Ms. Roberts' comments to the media which formed part of this news report. He also wanted to know whether an official complaint had been received by her as this was not clear from the broadcast as aired. Finally, he wanted to follow up on a question posed to the Conflict of Interest Commissioner during his conversation with her the previous week, namely whether the Minister was at liberty to publicly disclose the provisions of her blind trust agreement, as public knowledge of these provisions could assist the Minister in addressing this controversy.

5.6 The Minister in her evidence, indicated that her agenda or objectives at this point in time were somewhat different than those indicated by Mr. Bayly. She stated that Mr. Bayly had advised her that in his prior conversations with the Conflict of Interest Commissioner the week before, Ms. Roberts had indicated to him her knowledge of the alleged infractions by the Minister. The Minister believed that Ms. Roberts' prior knowledge was a serious matter and indicated that any statements made to the media thereafter must necessarily be interpreted as referencing the Minister.

5.7 The Minister wanted to determine whether Ms. Roberts would repeat her prior statements to Mr. Bayly, confirming that she did indeed have this information in hand at an earlier stage. This evidence of the Minister was not clearly corroborated by Mr. Bayly.

5.8 It was known to those gathered as a result of listening to the radio news, that the CBC Northbeat television program to be aired at 6:30 p.m. on that day was going to deal with the Minister being in conflict in more detail. They seemed to be of the view that there was therefore only a small window of time to assess the various options and circumstances.

5.9 Mr. Bayly concluded that as the information he was seeking from the Conflict of Interest Commissioner would be important in deciding on a response to the situation, he would place a call to her to canvass these issues.

5.10 No one present appeared to clearly articulate his or her respective objectives in contacting the Conflict of Interest Commissioner by telephone.

5.11 There were some serious conflicts in the evidence of different witnesses concerning the circumstances of the telephone call and the taping of it. The various versions provided in testimony before the Committee may be summarized as follows:

a) John Bayly:

- It was his idea to contact the Conflict of Interest Commissioner by telephone to pursue the three questions that he thought were important;
- The call was made from the Premier's office (the Premier being absent at the time) and the parties intended to use the video machine in his office to view and tape the 6:30 Northbeat program;
- He had a pen and paper with him to make notes of the conversation with Ms. Roberts;
- He cannot recall specifically who was in the room at the time the telephone call was made but it would have been some or all of Jane Groenewegen, Sheila Bassi, April Taylor and Lynda Sorensen;
- He was at the Premier's desk although he cannot recall what side of the desk he was sitting at (i.e. facing the door or facing the window);
- He placed the call using the hands free or speakerphone function of the telephone. He did not apprise Ms. Roberts at any point during the conversation that other persons were in the room;
- At some point well into the telephone conversation he noticed that Minister Groenewegen was tape recording the conversation. He did not apprise the Conflict of Interest Commissioner of this fact when he learned it;
- He indicated to the Conflict of Interest Commissioner that he was using the speakerphone function in the event that he needed to make notes;
- He acknowledged the Minister making a hand gesture to him to keep the conversation going;
- At the end of the telephone conversation there was no discussion among those present as to what if anything would be done with the tape of the conversation, nor was taping the conversation discussed in advance of the call being made.

b) Jane Groenewegen:

- Mr. Bayly was going to call the Conflict of Interest Commissioner to both determine whether the Minister could make public the provisions of her blind trust arrangement and to follow up on his prior conversation with her in which she indicated that she was aware of the directorship issue;
- She went to her office to get her hand held tape recorder as she intended from the outset to tape the conversation, although she did not specifically state this intention;
- Mr. Bayly dialed the Conflict of Interest Commissioner and the Minister set the tape recorder down on the desk beside the phone;
- Although she was not paying particular attention to who was in the room as she was focussed on the phone conversation, she believes Sheila Bassi, April Taylor and Lynda Sorensen were in the room during the call;
- She was standing beside Mr. Bayly during the course of the call and at one point, she made a hand gesture to him to keep the conversation with the Conflict of Interest Commissioner going in order to try and obtain the confirmation from the Conflict of Interest Commissioner that she was seeking.

c) April Taylor:

- She felt that the telephone call was placed from Mr. Bayly's office and not the Premier's office. However, she indicated in response to questions, that due to the fact that the configuration of the two offices are identical, it is possible that the call was made from the Premier's office. She reported that part of her recollection that the call was placed from Mr. Bayly's office was on the basis of his being comfortably seated at the desk with his back to the window;
- She noticed the Minister leave the room, presumably to retrieve her tape recorder from her office;
- The call was placed by Mr. Bayly using the speakerphone function. She assumed that he would indicate to Ms. Roberts who was in the room and when he did not do so, she became very uncomfortable with the situation;

- She distinctly recalls who was present and where they were seated or standing, partly because of her acute discomfort with the circumstances of the call. She recalls John Bayly sitting at the desk in the chair facing the door, Lynda Sorensen standing next to him at his left shoulder, the Minister being seated at the desk around the end of it, her (Ms. Taylor) being seated directly opposite to Mr. Bayly and Ms. Bassi being seated to her right;
- She was of the view that the tape recorder would have been clearly visible to all those present in the room;
- She felt that it was not her place to raise her concerns about the circumstances of the call or her discomfort with her superiors, particularly the Principal Secretary, the Deputy Premier or the Chief of Staff.

d) Lynda Sorensen:

- She recalls the hasty assembling of John Bayly, Jane Groenewegen, Sheila Bassi and April Taylor as a result of the Minister's concerns regarding the CBC radio news broadcast;
- She recalls that a telephone call was made to Carol Roberts but she cannot recall seeing a tape recorder;
- She was in and out of the room in which the call was occurring as she was expecting a call from the Premier and she was listening for another phone to ring;
- Mr. Bayly was sitting in the Chair at the Premier's desk with his back to the door as it is never Mr. Bayly's practice to sit in the Premier's chair;
- She was not aware that those present in the room were not introduced to the Conflict of Interest Commissioner and she did not know that the Conflict of Interest Commissioner was not made aware of their presence. In fact she assumed that this had been done. She did not introduce herself as being in the room at any point.

5.12 It is always difficult to reconcile different versions of the same event, and the Committee is aware that memory can be fallible and inaccurate.

5.13 On the basis of the evidence of all the various witnesses, the Committee concludes that the tape recording of this conversation was not a premeditated occurrence. However, the fact that it did occur was easily known to those present.

5.14 It is possible that Mr. Bayly did not recognize that the call was being tape recorded until some point part way through the conversation. From the outset though, Mr. Bayly was in charge of the telephone call and he took no steps to apprise Ms. Roberts that others were listening in on the call. In fact at one point during the conversation, the following occurred:

> **Ms. Roberts**: I said I have no knowledge of that. But I don't - I said it' s not up to me to investigate whether.. Hello, are you still there?
>
> **Mr. Bayly**: Yeah, I'm still here.
>
> **Ms. Roberts:** Oh, sorry, I'm just hearing a beeping.
>
> **Mr. Bayly:** Yeah.
>
> **Ms. Roberts:** And, um, I said, I, I assume that when people come up with their disclosure statements - are you still there John? I am getting this...
>
> **Mr. Bayly:** I am. There is something that sounds like a radio. Is it on yours?
>
> **Ms. Roberts:** No. I, no, I'm sitting in a - sort of having a meeting in a restaurant here.
>
> **Mr. Bayly:** Oh well, it sounds like a restaurant to me. So maybe it is at your end somehow.
>
> **Ms. Roberts**: Could be.
>
> **Mr. Bayly**: ***I'm just on the speakerphone here so that I can take notes if I need to***. (Emphasis added).

5.15 This exchange occurred after the point that Mr. Bayly acknowledged that he was aware that the telephone call was being tape-recorded. In his evidence before the Committee, Mr. Bayly acknowledged that this statement to Ms. Roberts was a partial truth. He had elected to make the call on speakerphone and not advise her of the presence of others.

5.16 When he realized that the call was being taped, he took no action to terminate the call. The statement to the effect that he was using the speakerphone so that he could take notes deliberately misinformed the Conflict of Interest Commissioner of the actual circumstances of the call.

5.17 There is also a conflict in the evidence as to whether Ms. Sorensen was present more or less throughout the telephone call. Given the consistency of the evidence of the other witnesses, this Committee prefers their evidence to that provided by Ms. Sorensen.

5.18 The Committee also finds it at best puzzling or unusual that Ms. Sorensen would, as she indicated in her evidence, accept a formal letter of reprimand for her involvement in this matter when, according to her evidence, she had no knowledge that the call was being tape recorded and had no knowledge that those present in the room had not been introduced to the Conflict of Interest Commissioner as being present.

5.19 In fact her evidence is that the contrary occurred and that she assumed that Ms. Roberts was in fact aware of others being present in the room. It challenges common sense to some degree that she would accept a reprimand for her conduct when, according to her, she was an entirely innocent bystander.

5.20 The Committee was also persuaded by the evidence of Ms. Taylor, which was given in an extremely frank and forthright manner. The Committee further appreciates the exceedingly difficult position that she would have been in during the course of this telephone call. It could not have been easy for her to provide evidence to the Committee given the nature of the evidence in issue.

5.21 During the course of the evidence at the Hearings, the Committee learned the following additional facts, which it believes are very important to the comments that follow in this Report:

- Minister Groenewegen had previously surreptitiously tape-recorded an earlier telephone conversation with the Conflict of Interest Commissioner, which had occurred on or about January 7, 2001. The conversation was on the same tape used to tape the March 26, 2001 conversation;

- Minister Groenewegen felt entirely justified in taping this January conversation and felt that, as she only intended it for her own use, there was no harm associated with this action;

- That all present during the March 26, 2001 telephone conversation between Mr. Bayly and the Conflict of Interest Commissioner were aware that it had been tape recorded (with the possible exception of Ms. Sorensen whose evidence on this point, as previously indicated, is difficult to reconcile with that of other witnesses);

- That John Bayly and Lynda Sorensen became aware on or about July 6, 2001 that the fact of this secretly taped conversation would become known to the public at large as the Minister intended to refer to these circumstances in written submissions to be made to the Special Committee;

- John Bayly and Lynda Sorensen advised the Premier on July 6, 2001 of the secret taping of this conversation and the fact that it would soon become public;

- The Premier upon learning of this wanted as apparently a first priority, to receive advice as to whether this was an illegal act;

- The Minister advised the Premier in passing on July 19, 2001 that she was turning over the tape as required to the Law Clerk and that there was another conversation on the tape. She did not clearly indicate to the Premier at this time that the other conversation was also a secretly taped conversation;

- That between March 26, 2001 and July 6, 2001 no mention was made nor action initiated by John Bayly, Lynda Sorensen (if indeed she knew of this having occurred) or Minister Groenewegen concerning the secret taping;

- Between July 6, 2001 and July 22, 2001 (the day before Session was to open to deal with the Report of the Special Committee on Conflict Process) no steps were taken by the Premier regarding the actions of secretly taping a telephone conversation with a Statutory Officer of the Legislative Assembly;

On Sunday July 22, 2001 a number of events hastily occurred:

- A policy letter was circulated to Cabinet Members stating that taping telephone conversations without the knowledge of all parties to the call was not acceptable conduct by members of the government;

- A letter of reprimand was jointly addressed to John Bayly and Lynda Sorensen to be placed on their respective files. It should be noted that when these witnesses were requested to produce to the Committee a copy of the letter of reprimand they declined to do so, claiming privacy rights with respect to this document.

- The Premier had a discussion with the Deputy Premier at the home of the Premier at which time it was agreed that she would, the following day, provide him with her written resignation as Deputy Premier;

- Given the absence of any action concerning the secret taping prior to this time, the multiple steps on this single day are indeed remarkable;

- It appears that the Premier may not have learned until July 25, 2001 that there was in fact a further secretly taped telephone conversation between the Minister and the Conflict of Interest Commissioner. However, Ms. Sorensen in her evidence before the Committee stated that she had reminded the Premier in Hay River on July 19, 2001 that the Minister had informed him of the second taping... [Hansard September 20, 2001 page 154.];

- She further stated, when asked by Mr. Arvay, counsel for the Conflict of Interest Commissioner, when she became aware of the second taping, that it was on the 19th of July in Hay River [Hansard September 20, 2001 page 159]. It therefore appears that Ms. Sorensen knew of this fact on that date (namely July 19, 2001);

- On July 23, 2001 the Premier made a statement in the House advising that the Minister had tendered her resignation as Deputy Premier. He stated that in her letter of resignation Ms. Groenewegen indicated that she exercised poor judgment by recording **a** telephone conversation on March 26, 2001 between the Principal Secretary and the Conflict of Interest Commissioner, Carol Roberts. [Hansard July 23, 2001 page 287.]; (emphasis added)

- Ms. Sorensen in her evidence indicated that she would have reviewed the draft letter of resignation of the Deputy Premier prior to the Premier seeing the letter;

- In addressing the debate in Committee of the Whole on July 23, 2001, the Premier spoke against continuation of the Special Committee on Conflict Process and its request for a continued and expanded mandate, which of necessity would include an examination of the actions of senior staff and the Minister respecting the secret taping of a telephone conversation with the Conflict of Interest Commissioner;

- The Premier was aware at this point of time, of information that was not in the possession of any other Member of the House, with the exception of Minister Groenewegen: that the Chief of Staff and the Principal Secretary had been significantly involved in the events of March 26, 2001. This was not a fact known even to Special Committee Members at the time of this debate;

- In August Mr. Bayly offered his resignation to the Premier and during the course of that conversation, the Premier declined to accept the offer of resignation.

5.22 This series of events significantly and adversely reflects on the individuals directly involved in the taping of telephone conversations with statutory officers of the House and the broadcast of conversations to undisclosed listeners.

5.23 The matter goes much beyond that. The absence of any action by the Premier on learning of these events early in July and the highly coincidental flurry of activity that can only be described as damage control the day before Session was scheduled to open, reveals that there appears to be no independent yardstick or compass of ethical conduct.

5.24 The primary concern of the most senior levels of this government in the Premier's office appears to have been to doctor the political spin.

5.25 There was no independent or early action to deal with improper conduct. Indeed, the concern appeared to be with respect to the legality of the conduct and not the morality of it.

5.26 No letters of reprimand were issued at the earliest opportunity, no general policy letter about taping telephone conversations occurred immediately after the July 6, 2001 disclosure, no action of any kind was taken or wrongdoing acknowledged by senior staff during the months that preceded this disclosure.

5.27 Had the Minister not elected to make the taping of this conversation known in her Written Submissions to this Committee, it is likely that no steps of any kind would have been taken.

5.28 It is, in the view of the Committee, a poor measure of the moral standards of this government and it reflects on all those who are associated with it, be they as elected members or staff.

5.29 The measure of moral conduct is not that which occurs when the world at large may be watching. The measure of moral conduct involves taking the right actions even when only those directly involved are privy to the circumstances.

5.30 Ethical behaviour is not behaviour that is undertaken for demonstration purposes. It is undertaken because it is right.

5.31 In the view of this Committee, no acceptable circumstances were revealed which justify in any respect the actions of Minister Groenewegen in secretly taping not one but two telephone conversations with the Conflict of Interest Commissioner.

5.32 In the view of this Committee, no acceptable circumstances were revealed which justify the involvement of senior cabinet staff in this matter at all, let alone in the manner in which they were actually involved.

5.33 Finally, in the view of this Committee, no acceptable circumstances were revealed which explain the absence of immediate and determinative action to deal with these events on the part of the Premier once they became known.

PART VI

OTHER ISSUES OF INTEGRITY AND CONDUCT

6.1 In the view of the Committee, it must report its comments concerning other circumstances which became apparent only during the course of hearings in this matter.

(a) The Conduct of Mr. Selleck and the CBC

6.2 It is clear from the evidence heard by this Committee, that Mr. Selleck was seeking a story regarding the potential infraction by Minister Groenewegen of conflict of interest obligations. In seeking an interview with the Minister, Mr. Selleck refused to disclose the nature of the issues and preferred instead to embark on a mission of surprise. The Committee notes that the Journalistic Standards and Practice of the CBC states:

> The information reports or reflects equitably the relevant facts and significant points of view, it **deals fairly and ethically with persons, institutions, issues and events.** (Emphasis added).

6.3 Mr. Selleck, in the manner in which he undertook this assignment, has trod perilously close to breach of these standards. At the very least, in the view of the Committee, he has damaged his own credibility and that of the organization by whom he is employed.

6.4 As previously indicated, the information which Mr. Selleck could have provided to this Committee was both important and instrumental respecting a number of critical factual issues. Mr. Selleck, both himself and through the representations of his legal counsel, refused to acknowledge the compelling nature of the Invitation and Summons served on him respecting these proceedings. He refused through his counsel to even provide the courtesy to the Committee of advising whether or not he would attend or take issue with the request that he provide evidence. He saw fit to only articulate this position at the outset of the formal hearings.

6.5 When afforded the opportunity to specify the framework of his claim to journalistic privilege by answering questions which would tend to establish, or not, the legitimacy of such a claim, he chose not to do so. Mr. Selleck went so far as to refuse to even be sworn in before the Committee.

6.6 Mr. Selleck and his counsel appeared not to appreciate that the claim of privilege is not one which applies, automatically or otherwise, to proceedings before a Parliamentary Committee. They unfortunately did not take the time or make the effort to apprise themselves of the nature and authority of such proceedings. Had they done so, they would have learned that not only is journalistic privilege not applicable in these proceedings, such well protected privileges as solicitor client privilege do not stand in this arena.

6.7 The refusal of a witness to answer questions before a duly constituted parliamentary committee is a serious affront to the dignity of the parliamentary process. The authorities on this matter are abundant and clear:

> *Witnesses who have refused to be sworn or take upon themselves some corresponding obligation to tell the truth, who have refused to answer questions, who refused to produce or destroyed documents in their possession, who have prevaricated, given false evidence, willfully suppressed the truth, or persistently misled a committee have been considered guilty of contempt.* (Erskine May, *Parliamentary Practice*, 22nd Edition, pp. 109-110).

> *The penal jurisdiction of the House is not confined to its own Members. Nor is it confined to offences committed in the immediate presence of the House by its Members; it is extended to all contempts of the House, whether committed by a Member or by persons who are not Members and whether or not the offence constituting the contempt was committed within the House or beyond its walls.* (*Maginot, Parliamentary Privilege in Canada*, 2nd Edition, p.193)

> **862** *Witnesses must answer all questions directed to them even over their objection that an answer would incriminate them.*

> **863** *A witness is, however, bound to answer all questions which the committee sees fit to put, and cannot be excused, for example, on the ground that there could be a risk of a civil action, or because an oath has been taken not to disclose the matter under consideration, or because the matter was a privileged communication such as that between a solicitor and a client, or on the grounds of advice from counsel that the question cannot be answered without risking self-incrimination or a civil suit, or that it would prejudice a defence in pending litigation, some of which would be sufficient grounds of excuse in a court of law. Nor can a witness refuse to produce documents on the grounds of an instruction from a client that they not be disclosed without the consent of the client. (Beauchesne's Parliamentary Rules & Forms*, 6th Edition, p. 239.)

6.8 As a result of these apparently ill informed actions, Mr. Selleck is at risk of sanction by the House.

6.9 The Committee has the power to recommend sanctions to the House and these sanctions are very broad. Mr. Selleck categorically refused to testify and to submit to the taking of an oath. This action is contemptuous of the Committee and of the House itself which duly constituted the Committee. The Committee could make this matter the subject of a separate report to the House and recommend appropriate sanctions. The Committee has chosen however to deal with the more significant issues and not waste the valuable time and resources of the House on a contemptuous act that is based more in ignorance than malice. It is however indicative of a reporter and media corporation that simply lack both in professionalism and a fundamental understanding of civics and the democratic values that underpin our system of governance.

6.10 It further considers that the damage caused by Mr. Selleck to his own credibility and that of his employer, the CBC, is sufficient sanction and one of which he and they are the sole architects.

(b) **Conduct of Minister Groenewegen**

6.11 It goes without saying that the public at large is entitled to expect a higher level of ethical conduct than what has been demonstrated by the Minister throughout this matter. Her secretive taping of telephone conversations is, in the view of the Committee, inexcusable. As well, her single minded pursuit of her issues with the Conflict of Interest Commissioner do not speak to a professional and mature approach to serious government responsibilities. Her actions have assisted this government in being side tracked and diverted by concerns that are essentially those of the Minister and not those of the government as a whole. She can fairly share in the responsibility for significant costs, time and energy being devoted to this matter.

6.12 Furthermore, the Minister can take responsibility for a serious absence of duly informing the Premier on July 19, 2001 of the full contents of the tape recording which would thereafter form part of the record of the proceedings of this Committee. She neglected to advise him in any appropriate detail of the contents of the tape. As a result, the Premier did not have in hand a complete picture of these circumstances when he addressed the House on July 23, 2001.

6.13 Minister Groenewegen is therefore directly responsible for full information not being provided to the House at a time when these events were fully known to her. She chose instead, for reasons that are best known to her, to ignore the fact that secret tapings of telephone conversations had occurred on more than one occasion.

6.14 She was content with the House being advised of part but not all significant information concerning such matters. Despite her being of the view that the taping of the January telephone conversation was justified and irrelevant does not detract from the fact that such conduct is completely inappropriate for Government Ministers or Members of this Assembly.

(c) **Conduct of the Conflict of Interest Commissioner**

6.15 This Committee was both distressed and discouraged by the evidence outlining various aspects of conduct of the Conflict of Interest Commissioner and indeed with the manner in which she provided evidence to this Committee. There appeared to be a pattern of passivity and a reluctance on the part of the Commissioner to be actively and energetically engaged in the issues affecting Members of this Assembly. She has failed to systematically meet with Members since her appointment to review and advise on their affairs. She has left it entirely to Members, in particular Minister Groenewegen, to seek out expert advice and she saw no role for herself in facilitating this in any fashion.

6.16 She minimized her responsibilities in dealing with members and maximized to an inappropriate degree their individual responsibilities without clear or articulated advice on her part. She apparently kept no notes of important meetings with Members or other circumstances. She exercised poor judgment in agreeing to deal with the media when there was a clear and public controversy developing concerning Minister Groenewegen.

6.17 She failed to give notice of potential sections of the Act that may have been breached by the Minister in both the Miltenberger and Rowe investigations.

6.18 She appears to have misconceived the ability of the House to impose sanctions upon her dismissal of the Miltenberger complaint. Her decision in the Rowe investigation appears to impose a result not contemplated in any respect by the governing legislation.

6.19 With respect to these proceedings, she approved written submissions placed before this Committee which used strident and aggressive language. She did so having previously complained that the proceedings of this Committee were unduly adversarial in nature. It appeared at times that her availability to attend before the Committee was to be a negotiated item rather than one of duty or responsibility as a Statutory Officer of the House. She refused to attend a scheduled hearing of this Committee July 12, 2001 on the basis of her view that her then legal counsel were being ill treated in their contract negotiations for payment.

6.20 Her evidence before the Committee was often inconsistent and lacked the clarity and articulation one would normally expect from a person occupying this position with the education and work experience attributable to this Commissioner.

6.21 While her legal counsel has been careful to point out that this process was not about a review of the competency of the Conflicts Commissioner nor a performance appraisal of her to this point, the Committee cannot ignore these facts and cannot fail to report to the House its significant concerns respecting same. To do so would ignore a large part of the serious facts placed before the Committee in its Hearing, and would ignore the conduct of the Commissioner during the course of these proceedings.

6.22 The Committee is of the view that it would be remiss in its obligations to Members generally and to the House should it fail to report these serious concerns which were unanimously voiced by Committee Members.

(d) **The Conduct of Senior Cabinet Staff**

6.23 Quite apart from the question of individuals' involvement in clandestine taping of telephone conversations, a number of actions were revealed before this Committee which it feels are worthy of comment. These include:

- The fact that each Mr. Bayly and Ms. Sorensen saw fit to refuse to acknowledge the legitimacy of the Invitation and Summons served on them to attend before the Committee and give evidence;

- Each Mr. Bayly and Ms. Sorensen disclosed documents relevant to matters being considered by the Committee only during the course of their testimony. Interestingly enough, for individuals in the habit of keeping careful and copious notes, no notes were apparently taken or kept regarding the events of March 26, 2001. Each witness was obliged by the terms of the Invitation to attend and Summons to review and produce all relevant documents that they might have in their possession touching on matters to be considered by the Committee. The Committee is uncertain as to whether both individuals either

failed to take such obligations seriously or failed to meet the standards expected of witnesses attending before a Legislative Committee.

- Each Mr. Bayly and Ms. Sorensen, either themselves or through counsel, refused in the face specific requests by the Committee to produce copies of the letter of reprimand apparently delivered to them on the part of the Premier. This leaves lingering doubts where there should be none as to the existence of or content of their letter of reprimand and whether it truly addressed the issues of the conduct in question;

- Ms. Taylor was advised by government legal counsel to provide no information that may tend to reveal Cabinet confidences. Similarly such claims of Crown privilege do not necessarily apply when relevant information is sought which might otherwise be the subject of Crown privilege.

6.24 It is difficult for this Committee to report that senior officials have adopted an approach of cooperation, transparency and open government in the face of these facts. Rather, the overwhelming impression left was that of reluctant involvement based on political self interest, the selective production of documents and the at times, opportune absence of memory or clear recollection.

6.25 This Committee is of the view that the requested jointly addressed letter of reprimand is not protected by privacy interests as alleged on behalf of Ms. Sorensen and Mr. Bayly. This refusal is considered to be a very serious issue by the Committee and a complete disregard by these public servants of the privileges, power and authority of this Committee.

6.26 In addition, Ms. Sorensen appears to have been aware of the fact that there was a second tape recorded telephone conversation between the Minister and the Conflict of Interest Commissioner. Knowing this, she did not take steps to advise the Premier of this situation or correct his statement to the House on July 23, 2001 which referred to only one taped conversation.

6.27 The Premier has a right to rely and depend on full and accurate information being provided to him. Similarly, he must ensure that staff who are directly answerable to him are aware of and abide by such standards.

6.28 The Committee questions as well the level of involvement of staff in the Premier's office respecting a conflict of interest matter affecting a particular Member, whether or not they are a member of Cabinet. While the situation is no doubt a difficult one for staff in dealing with, in this case, the Deputy Premier, one has to expect that senior level staff are capable of making appropriate decisions as to those issues which they should or should not be involved in.

6.29 The responsibility for not only the actions of senior officials, but their response to this Committee lies squarely with the Premier. They occupy the most senior civil servant levels in this government. It is only the Premier who can be answerable and accountable for this conduct. It is similarly only the Premier who, in the face of the facts now widely known, who can attempt to restore public confidence in the integrity and standards of this government. In the view of this Committee, to leave such conduct without any further redress is in fact to condone it.

(3) Conduct of the Premier

6.30 Although the Premier appeared to view his position in this matter as detached and peripheral, in the view of the Committee there are significant concerns arising out of the facts ascertained at the Hearing in this matter:

- The initial and primary concern of the Premier when learning of these events appeared not to be the unethical and unacceptable nature of the conduct, but rather whether these individuals could be accused of illegal activity;

- The Premier was aware on July 6, 2001 when he was advised by both Mr. Bayly and Ms. Sorensen that the secret taping of a telephone conversation with a Statutory Officer of the House had occurred. Despite this knowledge and the public statements considerably after the fact that such conduct is not acceptable and reflects poorly on this Government, no action was taken at the time to address the matter.

- If such action was indeed so unacceptable in the opinion of the Premier, the Committee must seriously question why immediate steps were not undertaken. In the view of the Committee, the flurry of activity which occurred July 22, 2001 is more than coincidental.

- On July 23, 2001 in the House, the Premier spoke strongly against this Committee continuing its work when he was in possession of knowledge available to no other Member other than Minister Groenewegen. Only Stephen Kakfwi and Jane Groenewegen knew of the involvement of the Chief of Staff in the March 26, 2001 secret taping. The implication of his Chief of Staff in these events should have required at least disclosure of that fact during the course of debate. Instead, in the view of the Premier

"There are things that were uncovered in the course of the work. I do not know what they are. The public does not know what they are. There are some innuendoes and suggestions made,[but] they do not appear to be substantial. If there are issues considering conduct., that is for the Board of Management or perhaps myself as Premier, to deal with." [Hansard, July 23, 2001 page 299].

6.31 At the very least, the Premier did in fact know that the Chief of Staff was involved in a secretive taping of a telephone conversation. He knew or ought to have known that this was substantial and serious. When the Premier suggested that instead the Board of Management should deal with matters, he must be taken to have known that this entity could not hear witnesses or examine evidence. In fact the Board's ability to deal with senior cabinet staff is virtually non-existent. The Premier's lack of action and unwillingness to disclose his staff's involvement with such activity is at direct odds with open and transparent government.

PART VII

CONCLUSIONS

7.1 As the various events and facts of this matter are complex, and the time at which certain events occurred is important, a time line showing significant occurrences with the bias allegations and telephone taping are attached to this Report.

7.2 The public's confidence in its elected representatives places a high demand on not only the Members and our Ministers but also in senior officials of our government. Conflict of interest legislation does not necessarily have as its primary purpose the improvement of the ethical standards of legislators. Most commentators would agree that the majority of public office holders are decent, hard working men and women who do their best to serve the public interest, as they understand it.

7.3 Conflict of interest legislation is largely intended to assist elected representatives, by providing an objective standard against which they may gauge their actions, and satisfy themselves and the public that they are acting appropriately. This rational was aptly described by the Ontario Ethics Commissioner in 1996:

> *"The primary purpose of integrity legislation is not to promote high ethical standards among members, all of whom, we expect, having chosen to aspire to public office, possess the necessary moral qualities that entitle them to be referred to as honourable members in the legislature or Parliament. Rather it is a standard against which the ever increasingly cynical and suspicious press and public may measure their behaviour in office. It may not appease the more rabid critics, but it will serve as a source of satisfaction to the member whose conduct is under attack to know that it meets the standard by which his peers are also judged."*

7.4 The Committee wrestled with the challenge of weighing up the evidence from the five days of public hearings, the volumes of submissions and replies submitted by the Minister and Conflict of Interest Commissioner to reach conclusions to recommend to the Legislative Assembly.

7.5 The challenge of this one Special Committee to provide to the Legislature and the public recommendations that would assist with restoring the confidence in and integrity of government and Statutory Officers proved to be one that was truly necessary to undertake.

7.6 Members of the Committee viewed their obligation to assess the apprehension of bias issue extremely seriously. The Office of the Conflict of Interest Commissioner is one which occupies both a sensitive and responsible position, one which must both work with and be detached from Members. However, the Committee was obliged to resolutely review all facts and allegations.

7.7 The Committee was drawn to the Members' Conduct Guidelines, which are etched in glass outside this Chamber. These guidelines were provided to every one of us when we were first elected to the 14th Legislative Assembly and these guidelines should be held higher than they have been in recent times. We are of the view that the following portions of the guidelines are appropriate and bear repeating:

> *As a legislator, I will do my best to fulfill my duties to the Legislature, the public and my constituents and my colleagues with integrity and honour;*
>
> *To my constituents, I owe my best efforts at effective representation, as well as accountability, honesty, fairness and courtesy;*
>
> *To the Legislature, I owe respect, as well as dedication to my role in ensuring integrity of our government and in earning, through my actions, the confidence of people;*
>
> *To the public, I owe a responsibility to work for the well being of all residents of the Northwest Territories;*
>
> *To my colleagues, I owe fairness and respect for our differences, and the duty to work together with goodwill for the common good.*

7.8 Integrity, honesty, accountability and moral conduct are indeed lofty principles and ones that we know that voters would like to see in the individuals that are fortunate to be elected to the Legislative Assembly. One assumes that once elected that we do not lose these qualities. Furthermore, some of us are singled out by our colleagues to take on responsibility as Premier and Ministers of the Government. This places these individuals on a higher plane where the standard of integrity and conduct are even more important and their actions must demonstrate those principles.

7.9 Democracy is founded on the principles of equality and respect for all individuals, which can be referred to as mutual respect. Mutual respect means that we owe the same consideration to others when making decisions that affect them as we feel we are owed when others make decisions that affect us. Some have indicated that there are five principles of democracy that follow from mutual respect: social equality, deference to the majority, minority rights, freedom, and integrity. A

familiarity with these principles provides a foundation for judging ethical behaviour in the public sphere and for resolving ethical dilemmas in a democratic context.

7.10 These five key principles of democracy imply certain ethical duties on the part of public officials and in this case the Premier, Minister, Conflict of Interest Commissioner, Principal Secretary and Chief of Staff. First, they have a responsibility to act as impartially as possible when carrying out their duties especially those established by law. Second, they are acting as trustees for the entire citizenry, and therefore they have a fiduciary responsibility not to abuse that trust. Third, they have a duty to account for their activities and decisions.

7.11 As indicated the Committee undertook an impartial process, where all parties to the issues had an opportunity to present their perspectives fully. The Assembly can be assured that the Committee considered the issues in a fashion that was free from bias.

7.12 While the Committee attempted to narrowly articulate its mandate for the purposes of the Hearing to be conducted, it is apparent that as result of the Hearing, important facts and circumstances were revealed. Therefore, in the view of the Committee, in order to responsibly complete its tasks, it must report on all such matters that it considers significant and to make recommendations that it feels must be made arising from these matters.

7.13 Both elected Members and members of the public have had occasion to question the expenditure of time and money in this matter. However, when a question of apprehension of bias is raised regarding a Statutory Officer of this Legislature, and one who is charged with the responsibility of both advising Members on conflict matters and investigating conflict complaints, it is a matter of significant public interest that those concerns be resolved. The public must have confidence in the fulfillment of these very important obligations as they represent a cornerstone in the foundation of integrity of elected individuals.

7.14 The obligation of this Committee to continue its work became even more pressing when the early facts regarding the March 26, 2001 tape recorded conversation became known. This was not an issue that could be ignored as it reflected so directly on the standards of this government.

PART VIII

RECOMMENDATIONS

CBC and Lee Selleck

8.1 When a Committee of this Legislature is mandated to undertake certain tasks, it has a broad ambit of authority to do so. This authority rests in age old principles of Parliamentary privilege. Those principles exist and historically have been used to ensure that the government of the nation can properly undertake its responsibilities to its citizenry.

8.2 When a witness or person requested to attend before a Committee duly constituted chooses to ignore both the authority of that process and the reasons for it, it is a matter of utmost seriousness.

8.3 The actions of Mr. Selleck are a breach of the well established constitutional privileges of the Assembly and amount to a clear and deliberate contempt of its authority and proceedings.

8.4 However, after careful reflection, this Committee has chosen not to request the House to embark in a sideline dispute with either Mr. Selleck or the CBC.

8.5 The relationship between elected Members and those of the media ought to be characterized by mutual respect and propriety. In the view of this Committee, the actions of Mr. Selleck reflected neither of those qualities. Mr. Selleck's credibility and that of the CBC has been seriously damaged in the process.

8.6 This situation may have been different had either Mr. Selleck or his legal counsel taken time to apprise themselves of the most fundamental aspects of parliamentary privilege and journalistic conventions.

8.7 The consequences of their own actions on their reputations may well be much more far reaching than any specific sanctions by this House.

8.8 Any relationship between media and politicians to some degree rests on both good will and respect for the institutions they represent. When either of those aspects is absent, the relationship will necessarily suffer and one or the other of the institutions is diminished. Unfortunately in this case, the Committee is of the view that the CBC is unnecessarily diminished.

RECOMMENDATION #1: This Committee therefore recommends that no further formal action be taken with respect to Mr. Selleck and the CBC.

Minister Jane Groenewegen

8.9 The Committee does not propose to reiterate its findings earlier in this Report concerning the actions of Minister Groenewegen. It has reported that in the view of the Committee, her actions have fallen far short of those standards expected of Members of Cabinet.

8.10 The public cannot maintain confidence in this government when the standards which were adopted by the Minister remain without censure and resolution. The resignation of Ms. Groenewegen as Deputy Premier, in the view of the Committee, does not adequately address the gravity of her actions.

8.11 The Committee was further struck during the evidence of Ms. Groenewegen in the hearings in that it demonstrated a remarkable scarcity of remorse or critical self reflection.

8.12 For these reasons, the Committee is of the view that the confidence of the House can no longer be reposed in this individual as a member of Cabinet.

RECOMMENDATION #2*:* This Committee recommends that the adoption of this report be deemed to be a resolution of the House of censure and want of confidence in the Minister and that she submit her resignation forthwith.

Conflict of Interest Commissioner, Carol Roberts

8.13 This Committee has reported above its serious concerns respecting the actions and inaction of this Conflict of Interest Commissioner. This office requires an extremely high standard of judgment and engagement with Members. The function of the office contributes to both elected Members and the public at large having an appropriate working knowledge of the standards expected.

8.14 The relationship between Members and the Conflict of Interest Commissioner correspondingly requires a high degree of confidence in her experience, approach, judgment, availability and perspective.

8.15 The concerns related above in this Report reveal an absence of some of those essential qualities to a degree which erodes beyond acceptable limits the confidence of Members in her continued role as Conflict of Interest Commissioner.

The Act states that:

s. 91(3) Subject to section 92, the Conflict of Interest Commissioner holds office during good behaviour for a term of four years.

s .92(1) The Conflict of Interest Commissioner may resign at any time by notifying the Speaker in writing or, if the Speaker is absent or unable to act or the office of the Speaker is vacant, by so notifying the Clerk.

s. 92(2) The Commissioner, on the recommendation of the Legislative Assembly, may, for cause or incapacity, suspend or remove from office the Conflict of Interest Commissioner.

8.16 In the view of this Committee, the actions of the Conflict of Interest Commissioner in this matter and generally detailed in this Report constitute cause and reflect the unacceptable erosion of confidence in her management of these difficult and important responsibilities. The relationship between Members and the Conflict of Interest Commissioner has, in our view, broken down to a degree that it cannot reasonably be rehabilitated. In the absence of such a relationship, the capacity of the Conflict of Interest Commissioner to carry out the responsibilities of office is wanting. For these reasons:

RECOMMENDATION #3: This Committee recommends that the adoption of this report be deemed to be a resolution of the House authorizing and confirming the following:

a) **That the Legislative Assembly has lost confidence in Carol Roberts as Conflict of Interest Commissioner;**
b) **That the Legislative Assembly requests Ms. Roberts to submit her resignation to the Speaker on or before October 27, 2001; and**
c) **Failing provision of the resignation as requested, the Legislative Assembly recommends to the Commissioner of the Northwest Territories that Ms. Roberts be removed from the office of the Conflict of Interest Commissioner pursuant to section 92(2) of the *Legislative Assembly and Executive Council Act*.**

Restoring Integrity to the Office of the Premier

8.17 In our unique system of government in the Northwest Territories, members work on a basis of consensus and partnership. In such a system by convention, the Legislative Assembly elects the Premier. In doing so, Members of the Assembly repose their trust, a trust which has been placed in them by the electorate, in the Government Leader.

8.18 This trust has as its foundation the confidence that the Leader of our government will undertake his or her responsibilities with dignity and integrity. The Premier is therefore charged not only with maintaining and safeguarding the trust of elected Members, but more importantly, that of the citizens of the Northwest Territories.

8.19 The Premier must engage the assistance of others to contribute to the many responsibilities of that Office, while never forgetting that it is he who is accountable to the public and he who must bear ultimate responsibility for their conduct. He has the authority and the discretion to engage persons who are best suited to these important tasks. In doing so, the standards, practices and conduct of persons occupying the positions of Principal Secretary and Chief of Staff must reflect those of the Government and those which the Members, Officers of the House and the electorate fairly expect and require.

8.20 It is the firm expectation of this Committee that the Premier has no option but to take immediate steps that will demonstrate the commitment of this government to high standards of practice and conduct, standards which the electorate has every right to expect and indeed assume.

8.21 The provision of a jointly addressed letter of reprimand to Mr. Bayly and Ms. Sorensen, a document which both individuals refused to produce to the Committee, falls far short of the required action. This refusal is capable of a finding of contempt by the House should this Committee have so requested that action.

8.22 This Committee is of the view that the Premier should require the resignations of John Bayly, Principal Secretary, and Lynda Sorensen, Chief of Staff. In the view of the Committee, the gravity of the actions of these individuals requires a comparable response by the Premier which reflects the seriousness of these issues.

RECOMMENDATION #4: The Committee recommends that the Premier take immediate action to regain the confidence of the public and all Members in the integrity of government and the standards of all persons within government as this action is essential in order that the Premier retain the confidence of the House.

PART IX

FINAL COMMENT

9.1 While this Committee's mandate is concluded with the presentation of this Report, the work of Government must continue.

9.2 Measures must be taken so that the confidence in the integrity and standard of Government by the public can again be well placed in those who undertake their work for the benefit of the people of the Northwest Territories.

APPENDICES

1. Motion 4-14(4) Terms of Reference as amended July 23, 2001
2. Copies of Witnesses' Summons'
3. Committee Witness List
4. Committee Exhibit List
5. Chronology of Bias Events
6. Chronology of Tape Recording Events

Northwest Territories Legislative Assembly

Motion

Appointment of a Special Committee on Conflict Process

WHEREAS the Legislative Assembly has enacted the *Legislative Assembly and Executive Council Act;*

AND WHEREAS the Legislative Assembly has the inherent power to control its own proceedings, privileges or prerogatives;

AND WHEREAS the Legislative Assembly has established the Board of Management to be responsible for the overall management and direction of the Office of the Legislative Assembly and to comply with its statutory requirements;

AND WHEREAS the Legislative Assembly may establish such Standing and Special Committees to aid and advise it as it considers necessary;

AND WHEREAS the Legislative Assembly has the power to discipline its Members and the right to regulate its own internal affairs;

AND WHEREAS the Legislative Assembly has provided for the obligations of Members that they shall perform their duties of office and arrange their private affairs in such a manner as to maintain public confidence and trust in the integrity, objectivity and impartiality of the Member;

AND WHEREAS the Legislative Assembly recommends to the Commissioner of the Northwest Territories the appointment of Statutory Officers to exercise powers and perform duties as provided for in Statutes of the Northwest Territories;

AND WHEREAS the Legislative Assembly recommends the appointment of a Conflict of Interest Commissioner;

AND WHEREAS in accordance with its authority contained in the *Legislative Assembly and Executive Council Act*, the Board of Management was considering the matter of the Application filed with the Board of Management by the Member for Hay River South, the Honorable Jane Groenewegen;

Date of Notice: June 12, 2001
Date of Introduction: June 12, 2001
Disposition: Carried
June 12, 2001

Moved by: Mr. Braden
Seconded by: Mr. Nitah

Ruled out of Order

AND WHEREAS there is a question as to the capacity of the Board of Management to continue consideration of the Application;

AND WHEREAS the Conflict of Interest Commissioner has requested the direction of the Legislative Assembly concerning the release of her report in the matter of the complaint filed against the Member for Hay River South, the Honourable Jane Groenewegen;

AND WHEREAS it is in the interests of the Legislative Assembly to resolve the matter;

NOW THEREFORE I MOVE, seconded by the Honourable Member for Tu Nedhe that the Legislative Assembly in accordance with Rule 88(1) hereby establishes a Special Committee to be named the Special Committee on Conflict Process;

AND FURTHER the following Members be named to the Special Committee:

Mr. Brendan Bell, Member for Yellowknife South
Hon. Joseph L. Handley, Member for Weledeh
Mr. Leon Lafferty, Member for North Slave
Mr. J. Michael Miltenberger, Member for Thebacha
Mr. Floyd Roland, Member for Inuvik Boot Lake

AND FURTHER notwithstanding Rule 88(2), that the following Members be named as alternate Members to the Special Committee:

Hon. Jim Antoine, Member for Nahendeh
Mr. Michael McLeod, Member for Deh Cho

AND FURTHER that the Legislative Assembly establishes the following as the Terms of Reference for the Special Committee on Conflict Process as follows:

1. The Special Committee shall have the authority and is directed to consider all aspects of the Application filed by the Member for Hay River South, the Honourable Jane Groenewegen, with the Board of Management on May 7, 2001*; **(Application withdrawn with approval of the Legislative Assembly on July 23, 2001)***

2. **That notwithstanding the withdrawal of the Application, the Legislative Assembly authorizes and extends the mandate of the Special Committee on Conflict Process to consider the allegation of an apprehension of bias in relation to the investigation conducted by the Conflict of Interest Commissioner, and to consider related matters which have arisen or may arise during the normal course of proceedings of the Special Committee;** ***(amended on July 23, 2001)***

3. The Special Committee shall have access to such persons, papers and records necessary to the conduct of its business;

4. The Special Committee shall conduct such hearings and meetings as required to consider all aspects in relation to the Application;

5. The Special Committee is authorized to engage legal counsel and employ such staff as may be necessary to carry out its responsibilities;

6. The Special Committee shall report to the Legislative Assembly with its findings and recommendations no later than July 23, 2001; ***(Reported to the House on July 23, 2001)***

7. That the Legislative Assembly instructs the Special Committee on Conflict Process to undertake its extended mandate as expeditiously as possible and to report to the Legislative Assembly a the next session but no later than October 23, 2001; *(amended on July 23, 2001)*

8. The Special Committee is authorized to provide its report to the Speaker if the Legislative Assembly is not in session and the Speaker shall cause the report to be tabled at the first practicable opportunity:

AND FURTHERMORE the Legislative Assembly directs the Conflict of Interest Commissioner to suspend any further actions including but not limited to the submission of the report in the matter of the complaint filed against the Member for Hay River South, the Honourable Jane Groenewegen, until the Special Committee has reported to the Legislative Assembly and the report has been considered by the Legislative Assembly; ***(amended on July 23, 2001 and Report of Conflict of Interest Commissioner tabled on July 24, 2001)***

AND FURTHERMORE that the authority and Terms of Reference of the Special Committee on Conflict Process as approved by the Legislative Assembly are hereby amended and extended with the adoption of the Report of the Special Committee on Conflict Process on July 23, 2001. *(amended July 23, 2001)*

Terms of Reference amended and extended with the authority of the Legislative Assembly on July 23, 2001.

Northwest Territories Legislative Assembly

Special Committee on Conflict Process

IN THE MATTER OF THE SPECIAL COMMITTEE ON CONFLICT PROCESS

SUMMONS TO A WITNESS

TO: CAROL ROBERTS of the City of Vancouver in British Columbia

WHEREAS the Legislative Assembly of the Northwest Territories has, by Motion made on June 12th, 2001, appointed a Special Committee on Conflict Process

AND WHEREAS the Legislative Assembly of the Northwest Territories has, by Motions made on July 23, 2001 authorized and extended the mandate of the Special Committee on Conflict Process with the following terms of reference:

1. The Special Committee shall consider the allegation of an apprehension of bias in relation to the investigation conducted by the Conflict of Interest Commissioner, and to consider related matters which have arisen or may arise during the normal course of proceedings of the Special Committee;

2. The Special Committee shall have access to such persons, papers and records necessary to the conduct of its business;

3. The Special Committee shall conduct such hearings and meetings as required to consider all aspects in relation to the Application;

4. The Special Committee is authorized to engage legal counsel and employ such staff as may be necessary to carry out its responsibilities;

5. The Special Committee shall undertake its extended mandate as expeditiously as possible and to report to the Legislative Assembly at the next session but no later than October 23, 2001;

6. The Special Committee is authorized to provide its report to the Speaker if the Legislative Assembly is not in session and the Speaker shall cause the report to be tabled at the first practicable opportunity.

Yellowknife, Northwest Territories, Canada X1A 2L9/Fax (403) 920-4735/Telephone (403) 669-2200

AND WHEREAS a Motion has been made and adopted by the Special Committee on September 16, 2001 to require your attendance before it to give evidence in relation to the Terms of Reference;

THIS IS THEREFORE TO COMMAND YOU:

(3) to attend before the Special Committee on Conflict Process at the Legislative Assembly Building, Committee Room 'A', in Yellowknife, Northwest Territories, at 9:30 in the forenoon, on Tuesday, September 18th, 2001 and to attend thereafter as required by the Special Committee; and,

(4) to attend before the Special Committee with such papers, books and records, including electronic records, as you may require to answer questions before the Committee in relation to these proceedings.

YOU ARE WARNED

That failure to attend before the Special Committee as required hereunder may constitute an act of contempt of parliament for which penal sanctions may be imposed by the Legislative Assembly.

Dated at the City of Yellowknife this 14th day of September, 2001.

Chairperson,
Special Committee on Conflict Process

AND WHEREAS a Motion has been made and adopted by the Special Committee on September 16, 2001 to require your attendance before it to give evidence in relation to the Terms of Reference;

THIS IS THEREFORE TO COMMAND YOU:

(1) to attend before the Special Committee on Conflict Process at the Legislative Assembly Building, Committee Room 'A', in Yellowknife, Northwest Territories, at 9:30 in the forenoon, on Tuesday, September 18th, 2001 and to attend thereafter as required by the Special Committee; and,

(2) to attend before the Special Committee with such papers, books and records, including electronic records, as you may require to answer questions before the Committee in relation to these proceedings.

YOU ARE WARNED

That failure to attend before the Special Committee as required hereunder may constitute an act of contempt of parliament for which penal sanctions may be imposed by the Legislative Assembly.

Dated at the City of Yellowknife this 16th day of September, 2001.

Chairperson,
Special Committee on Conflict Process

Northwest Territories Legislative Assembly

Special Committee on Conflict Process

IN THE MATTER OF THE SPECIAL COMMITTEE ON CONFLICT PROCESS

SUMMONS TO A WITNESS

TO: LEE SELLECK of the City of Yellowknife in the Northwest Territories

WHEREAS the Legislative Assembly of the Northwest Territories has, by Motion made on June 12th, 2001, appointed a Special Committee on Conflict Process

AND WHEREAS the Legislative Assembly of the Northwest Territories has, by Motions made on July 23, 2001 authorized and extended the mandate of the Special Committee on Conflict Process with the following terms of reference:

1. The Special Committee shall consider the allegation of an apprehension of bias in relation to the investigation conducted by the Conflict of Interest Commissioner, and to consider related matters which have arisen or may arise during the normal course of proceedings of the Special Committee;

2. The Special Committee shall have access to such persons, papers and records necessary to the conduct of its business;

3. The Special Committee shall conduct such hearings and meetings as required to consider all aspects in relation to the Application;

4. The Special Committee is authorized to engage legal counsel and employ such staff as may be necessary to carry out its responsibilities;

5. The Special Committee shall undertake its extended mandate as expeditiously as possible and to report to the Legislative Assembly at the next session but no later than October 23, 2001;

6. The Special Committee is authorized to provide its report to the Speaker if the Legislative Assembly is not in session and the Speaker shall cause the report to be tabled at the first practicable opportunity.

THIS IS EXHIBIT "A" to the affidavit of David Hamilton, Sworn before me Sept 17, 2001 [illegible] Commissioner for Oaths in and for the NWT

Northwest Territories Legislative Assembly

Special Committee on Conflict Process

IN THE MATTER OF THE SPECIAL COMMITTEE ON CONFLICT PROCESS

APPENDIX 2

SUMMONS TO A WITNESS

TO: JOHN U. BAYLY of the City of Yellowknife in the Northwest Territories

WHEREAS the Legislative Assembly of the Northwest Territories has, by Motion made on June 12th, 2001, appointed a Special Committee on Conflict Process

AND WHEREAS the Legislative Assembly of the Northwest Territories has, by Motions made on July 23, 2001 authorized and extended the mandate of the Special Committee on Conflict Process with the following terms of reference:

1. The Special Committee shall consider the allegation of an apprehension of bias in relation to the investigation conducted by the Conflict of Interest Commissioner, and to consider related matters which have arisen or may arise during the normal course of proceedings of the Special Committee;

2. The Special Committee shall have access to such persons, papers and records necessary to the conduct of its business;

3. The Special Committee shall conduct such hearings and meetings as required to consider all aspects in relation to the Application;

4. The Special Committee is authorized to engage legal counsel and employ such staff as may be necessary to carry out its responsibilities;

5. The Special Committee shall undertake its extended mandate as expeditiously as possible and to report to the Legislative Assembly at the next session but no later than October 23, 2001;

6. The Special Committee is authorized to provide its report to the Speaker if the Legislative Assembly is not in session and the Speaker shall cause the report to be tabled at the first practicable opportunity.

AND WHEREAS a Motion has been made and adopted by the Special Committee on September 16, 2001 to require your attendance before it to give evidence in relation to the Terms of Reference;

THIS IS THEREFORE TO COMMAND YOU:

(11) to attend before the Special Committee on Conflict Process at the Legislative Assembly Building, Committee Room 'A', in Yellowknife, Northwest Territories, at 9:30 in the forenoon, on Tuesday, September 18th, 2001 and to attend thereafter as required by the Special Committee; and,

(12) to attend before the Special Committee with such papers, books and records, including electronic records, as you may require to answer questions before the Committee in relation to these proceedings.

YOU ARE WARNED

That failure to attend before the Special Committee as required hereunder may constitute an act of contempt of parliament for which penal sanctions may be imposed by the Legislative Assembly.

Dated at the City of Yellowknife this 16th day of September, 2001.

Chairperson,
Special Committee on Conflict Process

This is Exhibit "A" to the Affidavit of Deana Hamelton sworn before me this 17 day of October 2001

A Commissioner for Oaths in and for the NWT

Northwest Territories Legislative Assembly

Special Committee on Conflict Process

IN THE MATTER OF THE SPECIAL COMMITTEE ON CONFLICT PROCESS

APPENDIX 2

SUMMONS TO A WITNESS

TO: LYNDA SORENSEN of the City of Yellowknife in the Northwest Territories

WHEREAS the Legislative Assembly of the Northwest Territories has, by Motion made on June 12th, 2001, appointed a Special Committee on Conflict Process

AND WHEREAS the Legislative Assembly of the Northwest Territories has, by Motions made on July 23, 2001 authorized and extended the mandate of the Special Committee on Conflict Process with the following terms of reference:

1. The Special Committee shall consider the allegation of an apprehension of bias in relation to the investigation conducted by the Conflict of Interest Commissioner, and to consider related matters which have arisen or may arise during the normal course of proceedings of the Special Committee;

2. The Special Committee shall have access to such persons, papers and records necessary to the conduct of its business;

3. The Special Committee shall conduct such hearings and meetings as required to consider all aspects in relation to the Application;

4. The Special Committee is authorized to engage legal counsel and employ such staff as may be necessary to carry out its responsibilities;

5. The Special Committee shall undertake its extended mandate as expeditiously as possible and to report to the Legislative Assembly at the next session but no later than October 23, 2001;

6. The Special Committee is authorized to provide its report to the Speaker if the Legislative Assembly is not in session and the Speaker shall cause the report to be tabled at the first practicable opportunity.

Yellowknife, Northwest Territories, Canada X1A 2L9/Fax (403) 920-4735/Telephone (403) 669-2200

AND WHEREAS a Motion has been made and adopted by the Special Committee on September 16, 2001 to require your attendance before it to give evidence in relation to the Terms of Reference;

THIS IS THEREFORE TO COMMAND YOU:

(9) to attend before the Special Committee on Conflict Process at the Legislative Assembly Building, Committee Room 'A', in Yellowknife, Northwest Territories, at 9:30 in the forenoon, on Tuesday, September 18th, 2001 and to attend thereafter as required by the Special Committee; and,

(10) to attend before the Special Committee with such papers, books and records, including electronic records, as you may require to answer questions before the Committee in relation to these proceedings.

YOU ARE WARNED

That failure to attend before the Special Committee as required hereunder may constitute an act of contempt of parliament for which penal sanctions may be imposed by the Legislative Assembly.

Dated at the City of Yellowknife this 16th day of September, 2001.

Chairperson,
Special Committee on Conflict Process

This is exhibit "A" to the affidavit of Connie Hachkon sworn before me at the City of Yellowknife, NWT this 14 day of Sept, 2001

A Commissioner for Oaths in and for the NWT

Northwest Territories Legislative Assembly

Special Committee on Conflict Process

IN THE MATTER OF THE SPECIAL COMMITTEE ON CONFLICT PROCESS

APPENDIX 2

SUMMONS TO A WITNESS

TO: APRIL TAYLOR of the City of Yellowknife in the Northwest Territories

WHEREAS the Legislative Assembly of the Northwest Territories has, by Motion made on June 12th, 2001, appointed a Special Committee on Conflict Process

AND WHEREAS the Legislative Assembly of the Northwest Territories has, by Motions made on July 23, 2001 authorized and extended the mandate of the Special Committee on Conflict Process with the following terms of reference:

1. The Special Committee shall consider the allegation of an apprehension of bias in relation to the investigation conducted by the Conflict of Interest Commissioner, and to consider related matters which have arisen or may arise during the normal course of proceedings of the Special Committee;

2. The Special Committee shall have access to such persons, papers and records necessary to the conduct of its business;

3. The Special Committee shall conduct such hearings and meetings as required to consider all aspects in relation to the Application;

4. The Special Committee is authorized to engage legal counsel and employ such staff as may be necessary to carry out its responsibilities;

5. The Special Committee shall undertake its extended mandate as expeditiously as possible and to report to the Legislative Assembly at the next session but no later than October 23, 2001;

6. The Special Committee is authorized to provide its report to the Speaker if the Legislative Assembly is not in session and the Speaker shall cause the report to be tabled at the first practicable opportunity.

Yellowknife, Northwest Territories, Canada X1A 2L9/Fax (403) 920-4735/Telephone (403) 669-2200

AND WHEREAS a Motion has been made and adopted by the Special Committee on September 16, 2001 to require your attendance before it to give evidence in relation to the Terms of Reference;

THIS IS THEREFORE TO COMMAND YOU:

(15) to attend before the Special Committee on Conflict Process at the Legislative Assembly Building, Committee Room 'A', in Yellowknife, Northwest Territories, at 9:30 in the forenoon, on Tuesday, September 18th, 2001 and to attend thereafter as required by the Special Committee; and,

(16) to attend before the Special Committee with such papers, books and records, including electronic records, as you may require to answer questions before the Committee in relation to these proceedings.

YOU ARE WARNED

That failure to attend before the Special Committee as required hereunder may constitute an act of contempt of parliament for which penal sanctions may be imposed by the Legislative Assembly.

Dated at the City of Yellowknife this 16th day of September, 2001.

Chairperson,
Special Committee on Conflict Process

Northwest Territories Legislative Assembly

Special Committee on Conflict Process

IN THE MATTER OF THE SPECIAL COMMITTEE ON CONFLICT PROCESS

SUMMONS TO A WITNESS

TO: JACK ROWE of the Town of Hay River in the Northwest Territories

WHEREAS the Legislative Assembly of the Northwest Territories has, by Motion made on June 12th, 2001, appointed a Special Committee on Conflict Process

AND WHEREAS the Legislative Assembly of the Northwest Territories has, by Motions made on July 23, 2001 authorized and extended the mandate of the Special Committee on Conflict Process with the following terms of reference:

1. The Special Committee shall consider the allegation of an apprehension of bias in relation to the investigation conducted by the Conflict of Interest Commissioner, and to consider related matters which have arisen or may arise during the normal course of proceedings of the Special Committee;

2. The Special Committee shall have access to such persons, papers and records necessary to the conduct of its business;

3. The Special Committee shall conduct such hearings and meetings as required to consider all aspects in relation to the Application;

4. The Special Committee is authorized to engage legal counsel and employ such staff as may be necessary to carry out its responsibilities;

5. The Special Committee shall undertake its extended mandate as expeditiously as possible and to report to the Legislative Assembly at the next session but no later than October 23, 2001;

6. The Special Committee is authorized to provide its report to the Speaker if the Legislative Assembly is not in session and the Speaker shall cause the report to be tabled at the first practicable opportunity.

AND WHEREAS a Motion has been made and adopted by the Special Committee on September 16, 2001 to require your attendance before it to give evidence in relation to the Terms of Reference;

THIS IS THEREFORE TO COMMAND YOU:

(7) to attend before the Special Committee on Conflict Process at the Legislative Assembly Building, Committee Room 'A', in Yellowknife, Northwest Territories, at 9:30 in the forenoon, on Tuesday, September 18th, 2001 and to attend thereafter as required by the Special Committee; and,

(8) to attend before the Special Committee with such papers, books and records, including electronic records, as you may require to answer questions before the Committee in relation to these proceedings.

YOU ARE WARNED

That failure to attend before the Special Committee as required hereunder may constitute an act of contempt of parliament for which penal sanctions may be imposed by the Legislative Assembly.

Dated at the City of Yellowknife this 16th day of September, 2001.

Chairperson,
Special Committee on Conflict Process

Northwest Territories Legislative Assembly

Special Committee on Conflict Process

IN THE MATTER OF THE SPECIAL COMMITTEE ON CONFLICT PROCESS

SUMMONS TO A WITNESS

TO: STEPHEN KAKFWI of the City of Yellowknife in the Northwest Territories

WHEREAS the Legislative Assembly of the Northwest Territories has, by Motion made on June 12th, 2001, appointed a Special Committee on Conflict Process

AND WHEREAS the Legislative Assembly of the Northwest Territories has, by Motions made on July 23, 2001 authorized and extended the mandate of the Special Committee on Conflict Process with the following terms of reference:

1. The Special Committee shall consider the allegation of an apprehension of bias in relation to the investigation conducted by the Conflict of Interest Commissioner, and to consider related matters which have arisen or may arise during the normal course of proceedings of the Special Committee;

2. The Special Committee shall have access to such persons, papers and records necessary to the conduct of its business;

3. The Special Committee shall conduct such hearings and meetings as required to consider all aspects in relation to the Application;

4. The Special Committee is authorized to engage legal counsel and employ such staff as may be necessary to carry out its responsibilities;

5. The Special Committee shall undertake its extended mandate as expeditiously as possible and to report to the Legislative Assembly at the next session but no later than October 23, 2001;

6. The Special Committee is authorized to provide its report to the Speaker if the Legislative Assembly is not in session and the Speaker shall cause the report to be tabled at the first practicable opportunity.

AND WHEREAS a Motion has been made and adopted by the Special Committee on September 16, 2001 to require your attendance before it to give evidence in relation to the Terms of Reference;

THIS IS THEREFORE TO COMMAND YOU:

(13) to attend before the Special Committee on Conflict Process at the Legislative Assembly Building, Committee Room 'A', in Yellowknife, Northwest Territories, at 9:30 in the forenoon, on Tuesday, September 18th, 2001 and to attend thereafter as required by the Special Committee; and,

(14) to attend before the Special Committee with such papers, books and records, including electronic records, as you may require to answer questions before the Committee in relation to these proceedings.

YOU ARE WARNED

That failure to attend before the Special Committee as required hereunder may constitute an act of contempt of parliament for which penal sanctions may be imposed by the Legislative Assembly.

Dated at the City of Yellowknife this 16th day of September, 2001.

Chairperson,
Special Committee on Conflict Process

THIS IS EXHIBIT "A" to the affidavit of David Hamilton sworn before me this 17 day of Sept. 2001

A Commissioner for Oaths in the NWT

Northwest Territories Legislative Assembly

Special Committee on Conflict Process

IN THE MATTER OF THE SPECIAL COMMITTEE ON CONFLICT PROCESS

APPENDIX 2

SUMMONS TO A WITNESS

TO: JANE GROENEWEGEN of the City of Yellowknife in the Northwest Territories

WHEREAS the Legislative Assembly of the Northwest Territories has, by Motion made on June 12th, 2001, appointed a Special Committee on Conflict Process

AND WHEREAS the Legislative Assembly of the Northwest Territories has, by Motions made on July 23, 2001 authorized and extended the mandate of the Special Committee on Conflict Process with the following terms of reference:

1. The Special Committee shall consider the allegation of an apprehension of bias in relation to the investigation conducted by the Conflict of Interest Commissioner, and to consider related matters which have arisen or may arise during the normal course of proceedings of the Special Committee;

2. The Special Committee shall have access to such persons, papers and records necessary to the conduct of its business;

3. The Special Committee shall conduct such hearings and meetings as required to consider all aspects in relation to the Application;

4. The Special Committee is authorized to engage legal counsel and employ such staff as may be necessary to carry out its responsibilities;

5. The Special Committee shall undertake its extended mandate as expeditiously as possible and to report to the Legislative Assembly at the next session but no later than October 23, 2001;

6. The Special Committee is authorized to provide its report to the Speaker if the Legislative Assembly is not in session and the Speaker shall cause the report to be tabled at the first practicable opportunity.

AND WHEREAS a Motion has been made and adopted by the Special Committee on September 16, 2001 to require your attendance before it to give evidence in relation to the Terms of Reference;

THIS IS THEREFORE TO COMMAND YOU:

(5) to attend before the Special Committee on Conflict Process at the Legislative Assembly Building, Committee Room 'A', in Yellowknife, Northwest Territories, at 9:30 in the forenoon, on Tuesday, September 18th, 2001 and to attend thereafter as required by the Special Committee; and,

(6) to attend before the Special Committee with such papers, books and records, including electronic records, as you may require to answer questions before the Committee in relation to these proceedings.

YOU ARE WARNED

That failure to attend before the Special Committee as required hereunder may constitute an act of contempt of parliament for which penal sanctions may be imposed by the Legislative Assembly.

Dated at the City of Yellowknife this 16th day of September, 2001.

Chairperson,
Special Committee on Conflict Process

Appendix 3

WITNESS LIST

Witnesses:

Mr. Lee Selleck, Reporter, CBC Radio

Mr. Jack Rowe, Complainant in the Conflict Matter

Hon. Jane Groenewegen, Minister

Mr. John Bayly, Principal Secretary to Cabinet

Mrs. Lynda Sorensen, Chief of Staff

Ms. April Taylor, Director, Communications, Department of the Executive

Hon. Stephen Kakfwi, Premier

Ms. Carol Roberts, Conflict of Interest Commissioner

October 23, 2001

COMMITTEE EXHIBITS REGISTER

Exhibit Number	Description	Date Registered
SPC 1-01	Submission of the Hon. Jane Groenewegen to the Special Committee on Conflict Process, Legislative Assembly of the Northwest Territories, June 22, 2001	June 22, 2001
SPC 2-01	Response of the Conflict of Interest Commissioner (June 29, 2001) and Authority, Vol. I & II	July 6, 2001
SPC 3-01	Reply of the Hon. Jane Groenewegen (July 6, 2001)	July 9, 2001
SPC 4-01	Briefing Note: Public Hearing Process and Procedures (July 11, 2001)	July 12, 2001
SPC 5-01	Speaking Notes of the Conflict of Interest Commissioner for the Northwest Territories to the Special Committee on Conflict Process (July 12, 2001)	July 12, 2001
SPC 6-01	Letter dated July 18, 2001 from Counsel for the Minister Requesting Withdrawal of the "Application"	July 19, 2001
SPC 7-01	Correspondence from the Conflict of Interest Commissioner in Response to the Request to Withdraw the Application	July 20, 2001
SPC 8-01	Correspondence from the Counsel for the Minister (Mr. Chivers) dated July 20, 2001 in Response to the Conflict of Interest Commissioners letter to the Chair	July 22, 2001

Exhibit Number	Description	Date Registered
SPC 9-01	Original Tape Recording provided by the Minister to the Law Clerk July 20, 2001 including tape machine (NOT FOR RELEASE)	July 26, 2001
SPC 10-01	Master of Original of Side A of Groenewegen Tape (NOT FOR RELEASE)	July 26, 2001
SPC 11-01	Master of Original of Side B of Groenewegen Tape (NOT FOR RELEASE)	July 26, 2001
SPC 12-01	Tabled Document 36-14(4) Report of the Conflict of Interest Commissioner on the Complaint Filed by Jack Rowe Tabled on July 24, 2001	July 26, 2001
SPC 13-01	Witness Request Certificate for Mr. Lee Selleck, dated September 16, 2001	September 18, 2001
SPC 14-01	Dominion Law Reports – Moysa v. Labour Relations Board et al	September 18, 2001
SPC 15-01	Video Cassette Recording of CBC Northbeat Program of March 27, 2001	September 18, 2001
SPC 16-01	Hearings Joint Document Binder	September 18, 2001
SPC 17-01	Copy of Master Dub of original Side A of Groenewegen Tape dated August 20, 2001	September 18, 2001
SPC 18-01	Final Submissions of the Hon. Jane Groenewegen to the Special Committee dated September 28, 2001	October 1, 2001

Exhibit Number	Description	Date Registered
SPC 19-01	Final Submissions of the Hon. Jane Groenewegen to the Special Committee dated September 28, 2001	October 1, 2001
SPC 20-01	Telephone records for 669-2326 (Premier's Office) and 669-2324 (Principal Secretary's Office)	October 1, 2001
SPC 21-01	Response of the Minister to the September 28, 2001 Submission of the Conflict of Interest Commissioner	October 4, 2001
SPC 22-01	Response of the Conflict of Interest Commissioner to the September 28, 2001 Submission of the Minister	October 4, 2001

CHRONOLOGY OF BIAS EVENTS

Date	*Occurrence*
October 2000	Meeting with Conflict of Interest Commissioner re: Miltenberger complaint and question on the truck.
November 2000	Tabling Miltenberger's Report in House
January 5, 2001	Letter from Conflict of Interest Commissioner re: trust arrangements not very satisfactory
January 7, 2001 (approx.)	First taped telephone conversation
March 6, 2001 (approx.)	Meeting in Yellowknife between Conflict of Interest Commissioner and Minister re: Disclosure statement
March 12, 13, 14 (?)	Inquiries from Toronto re: Disclosure statement
March 15, 2001	Conflict of Interest interview with Lee Selleck
March 21, 2001	Minister interviewed by CBC; Call Conflict of Interest Commissioner re: Speaking to company lawyer (?)
March 23, 2001	Bayly talks to Conflict of Interest Commissioner from Alberta
March 26, 2001	Radio clips with Conflict of Interest Commissioner; taped phone call; Northbeat airs program
March 28, 2001	CJCD Interview with Conflict of Interest Commissioner
March 30, 2001	Yellowknifer article; First Rowe email (March 30 – April 9, 2001)
April 2, 2001	Conflict of Interest Commissioner accepted email from Jack Rowe as a formal complaint
April 4, 2001	Request for S.98 advice
April 5, 2001	Faxed letter of complaint and additional materials to Conflict of Interest Commissioner
April 9, 2001	Advised of formal complaint
April 24, 2001	Article in Hay River Hub
April 25, 2001	Request Conflict of Interest Commissioner to stand aside; answer to

	complaint
May 7, 2001	Board of Management Application
July 12, 2001	Hearing of Special Committee; Conflict of Interest Commissioner does not attend
July 16, 2001	Minister considers withdrawal of application

CHRONOLOGY OF TAPE RECORDING EVENTS	
Date	*Occurrence*
January 7, 2001 (approx.)	First taped telephone call with Conflict of Interest Commissioner
March 15, 2001	Conflict of Interest Commissioner talks to Lee Selleck
March 21, 2001	Minister does CBC interview
March 23, 2001	Bayly/Alberta conversation with Conflict of Interest Commissioner
March 26, 2001	Second taped call with Conflict of Interest Commissioner
June 29, 2001	Conflict of Interest Commissioner submission denying knowledge of specific facts re: March 15th conversation with Lee Selleck
July 5, 2001	Jane goes to Lynda's house re: desire to use March 26th taped call
July 6, 2001	Mr. Bayly and Premier advised of intention to use March 26th taped call
July 16, 2001	Minister decides to withdraw application
July 19, 2001	Casual remark in Hay River restaurant to Lynda and Premier that there was a second conversation on the tape
July 20, 2001	Tape provided to Law Clerk
July 22, 2001	Meeting at Kakfwi's house re: resignation Letters of reprimand to Bayly and Sorensen Letter to Ministers, etc., not to tape calls
July 23, 2001	Statement in House by Premier; Jane resigns as Deputy Premier
July 25, 2001	Lynda Sorensen says Kakfwi learns of Second taping
August, 2001	John Bayly offers resignation to Premier